

REQUEST FOR EXEMPTION FROM CHAPTER 103F, HRS

ADMINISTRATION
STATE PROCUREMENT OFFICE
STATE OF HAWAII

To: Chief Procurement Officer

From: Department of Labor and Industrial Relations/Workforce Development Division
Department/Division/Agency

Pursuant to § 103F-101(a)(4), HRS, and Chapter 3-141, HAR, the Department requests a procurement exemption to purchase the following:

Title and description of health and human service(s):

The types of training services that are purchased are credit and non-credit training courses offered by public, private-nonprofit, or private-for-profit funded under the Workforce Investment Act (WIA) program and other federally funded programs which are administered and operated by DLIR, Workforce Development Division (WDD), on the Counties of Hawaii, Maui, Oahu, and Kauai.

Training courses are provided to eligible program participants lacking the necessary skills to effectively compete for employment. A copy of the current exemption is enclosed for your review.

Provider Name: Multiple Providers. See below.	Total Contract Funds: \$5,324,000	Term of Contract:
Provider Address: Various and unknown	Contract Funds per Year (as applicable). \$1,331,000	From: 7/1/04 To: 6/30/08

Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

Pursuant to the Workforce Investment Act (P.L. 105-220), the Counties, in collaboration with their Local Workforce Investment Boards (LWIBs) are responsible for soliciting and reviewing applications from training providers. In addition, the Counties are responsible for recommending approval of training providers to the Department of Labor and Industrial Relations, which is the State agency responsible for administering WIA and the agency responsible for placing training providers on a statewide list of training providers.

Because the needs of each participant cannot be predetermined, limiting the types of training courses and training providers on the statewide list is not practical or advantageous. The training must be tailored to fit the needs of each participant, each of whom may have a different set of characteristics and circumstances that must be considered and accommodated to the extent possible. The design of specific training courses will be based on the individual's employment barriers, interests, and skills identified by the participant in concert with the case manager.

The selected training provider will depend on many diverse variables to accommodate the need of each participant. Variables may include, but are not limited to, location in terms of proximity to home or bus stops, days and hours, duration of the training, and placement level.

Service providers are various public, private non-profit, and private-for-profit providers to be selected by the City and County of Honolulu, Hawaii County, Maui County, and Kauai County in collaboration with each county's Local Workforce Investment Board (LWIB), a private/public sector board required to be

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established under the federal Workforce Investment Act (WIA). There will be a few exceptions, when other service providers may be selected if courses are not available at the time required to meet individual needs. However, not more than 10% of total costs are expected to be for these exceptions.

There were 64 training providers that were used to provide training to WIA participants. Over 130 categories of courses (or 3,404 courses) from 172 locations were offered from the period July 1, 2002 to December 31, 2003.

Because DLIR is not responsible for designing the solicitation, DLIR cannot prescribe that the Counties select only those providers that offer the lowest prices. Conducting a competitive procurement contradicts the intent of WIA which encourages the establishment of a wide selection of training providers and training courses.

A competitive procurement may unfortunately result in fewer training providers and limit the types of courses available to meet the needs of each participant.

Details of the process or procedure to be followed in selecting the service provider to ensure maximum fair and open competition as practicable:

All counties announced their solicitation in either the local newspaper and/or a statewide newspaper. In addition, Counties followed their own procurement requirements. The solicitation period for each County varied. Some Counties opted to give training providers the minimum number of days, as required by their own procurement rules. Other Counties opted to leave their solicitation open with no end date to give more flexibility for training providers to offer their training courses to WIA participants.

A description of the state agency's internal controls and approval requirements for the exempted procurement:

The training provider and training course must be on the statewide list in order for a participant to attend any training course offered by a training provider.

The WDD case manager will request the training in writing by initiating a requisition that requires approvals by the supervisor, local office manager, branch manager, and WDD Administrator. All requests for training must be approved before the participant is allowed to attend the first day of the training course.

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A list of state agency personnel, by position title, who will be involved in the approval process and administration of the contract:

Ms. Elaine Young, Administrator, WDD	Mr. Blayne Hanagami, Hawaii Branch Mgr
Mr. Charles Kunz, Hilo Local Office Mgr	Ms. Jan Oshiro, Supervisor, Hilo Local Office
Ms. Lori Sasaki, Kona Local Office Mgr	Ms. Harrilyn Wong, Sup., Kona Local Office
Mr. Kevin Kimizuka, Maui Branch Mgr	Ms. Carol Kawamura, Sup, Maui Local Office
Ms. Shelley Apana, Sup, Maui Local Office	Mr. Tracy Hirano, Kauai Branch Mgr
Ms. Norma McDonald, Oahu Branch Mgr	Mr. Abner Nunes, Waipahu Local Office Mgr
Mr. Harry Winfield, Honolulu Local Office Mgr	
Mr. Alvin Tsukayama, Kaneohe Local Office Mgr	
Ms. Alberta Napoleon-Lucas, Sup, Molokai Local Office	

Direct questions to (name & position):
Russell Ogawa, Program Specialist

Phone number:
586-8820

e-mail address:
rogawa@dlir.state.hi.us

This exemption should be considered for list of exemptions attached to Chapter 3-141, HAR: Yes ☒ No ☐

I certify that the information provided above is to the best of my knowledge, true and correct.


Department Head Signature

6/1/04
Date

Nelson B. Befitel
Typed Name

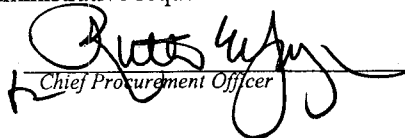
Director, Department of Labor and Industrial
Relations
Position Title

Chief Procurement Officer's Comments:

Please ensure adherence to applicable administrative requirements.

☒ Approved

☐ Denied


Chief Procurement Officer

6/10/04
Date

cc: Administrator
State Procurement Office